

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

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| Applicant's or agent's file reference B14441.3 ALP | FOR FURTHER ACTION <small>see Form PCT/ISA/220 as well as, where applicable, Item 5 below.</small> | |
| International application No. PCT/EP2004/052446 | International filing date (day/month/year) 05/10/2004 | (Earliest) Priority Date (day/month/year) 14/10/2003 |
| Applicant COMMISSARIAT A L' ENERGIE ATOMIQUE | | |

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 3 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ The international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

b. ☐ With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2. ☐ **Certain claims were found unsearchable** (See Box II).

3. ☐ **Unity of invention is lacking** (see Box III).

4. With regard to the **title**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regards to the **drawings**,

a. the figure of the **drawings** to be published with the abstract is Figure No. 1

☒ as suggested by the applicant.

☐ as selected by this Authority, because the applicant failed to suggest a figure.

☐ as selected by this Authority, because this figure better characterizes the invention.

b. ☐ none of the figures is to be published with the abstract.

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

see form PCT/ISA/220

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/EP2004/052446

International filing date (day/month/year)
05.10.2004

Priority date (day/month/year)
14.10.2003

International Patent Classification (IPC) or both national classification and IPC
A61N1/36

Applicant
COMMISSARIAT A L'ENERGIE ATOMIQUE

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

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Name and mailing address of the ISA:



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10/3/5700

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/EP2004/052446

AP20 Rec'd PCTO 14 APR 2006

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/EP2004/052446

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

| | | |
|-------------------------------|-------------|----------|
| Novelty (N) | Yes: Claims | 22 |
| | No: Claims | 1-21, 23 |
| Inventive step (IS) | Yes: Claims | |
| | No: Claims | 1-23 |
| Industrial applicability (IA) | Yes: Claims | 1-23 |
| | No: Claims | |

2. Citations and explanations

see separate sheet

Re Item V.

1 The following documents are referred to in this communication:

D1 : US 2002/077670 A1 (ARCHER STEPHEN T ET AL) 20 June 2002 (2002-06-20)

D2 : US 2003/125786 A1 (FOWLER BRAD ET AL) 3 July 2003 (2003-07-03)

2 INDEPENDENT CLAIM 1

2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of **claim 1** is not new in the sense of **Article 33(2) PCT**.

Document D1 discloses all the features of claim 1 (the references in parenthesis applying to this document) (*see fig. 13*):

A cerebral electrostimulation device (*see par. 15*) containing at least one commutation device (312) comprising at least one input (310) and several outputs each connected to at least one biocompatible electrode (314) or at least one active area of a biocompatible electrode, the commutation device being used to selectively connect at least one input to one or more outputs (*see par. 86*).

2.2 For the sake of completeness, it is pointed out that also the teaching of D2 (*see figs. 8, 22; par. 11, last but one sentence; and par. 126*) takes away the novelty of claim 1.

3 INDEPENDENT CLAIM 16

3.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of **claim 16** is not new in the sense of **Article 33(2) PCT**, for the same reasons as mentioned in par. 2 of the present communication, *mutatis mutandis*.

4 DEPENDENT CLAIMS 2-15, 17-23

Dependent **claims 2-15, 17-23** do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step (**Article 33(2) and (3) PCT**):

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/EP2004/052446

- claim 2: see D1, par. 126, last sentence
- claim 3: see D1, par. 126: "external programmer"
- claims 4, 5: see D1, par. 126
- claim 6: see D2, par. 112, last sentence
- claims 7, 8: see D1, fig. 22, (636); or see D2, fig. 8, (810)
- claims 9, 10: see D2, par. 111
- claim 11: see D1, par. 86, first sentence
- claims 12, 17: see D1, fig. 22, (622, 624)
- claims 13, 18: see D1, par. 85, last sentence
- claims 14, 19: see D1, fig. 13, (316, 418, 338)
- claim 15: see D1, fig. 22, (622)
- claim 20: see D1, par. 2: implantable neurostimulator
- claims 21, 23: see D1, par. 86, first sentence
- claim 22: normal design option for the skilled person